

An Analysis of the Implementation of House Bill 210: The Juvenile Offender Sections

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CHANGES IN THE LAW RELATING TO JUVENILE CASES HEARD IN SUPERIOR COURT

HB 210 – 74 Del. Laws c. 106 §28 – effective June 30, 2003, amended 10 Del. C. §1010(a)(1) by transferring juveniles charged with Assault 1st Degree and Robbery 1st Degree to the original jurisdiction of the Superior Court. 74 Del. Laws c. 106 §27 also added 10 Del. C. §1009(k) which requires at least a twelve (12) month period of institutional confinement for juveniles adjudicated delinquent of either “Possession of a Firearm During the Commission of a Felony or Robbery 1st Degree (where such offense involves either the display of a deadly weapon or the infliction of serious physical injury upon any person who was not a participant in the crime).” Hereafter in this analysis, juveniles detained for these charges are referred to as HB 210 cases.

METHODOLOGY

The methodology for this analysis has evolved since the passage of HB 210 in June 2003. The Legislature’s Juvenile Justice Review Task Force, the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative, Family Court committees and other groups have expressed intense interest in developing a much better understanding of the criminal justice processes associated with the *amenability processes* whereby it is decided whether juveniles’ cases will be heard in Family or Superior Court. So, in addition to identifying and tracking HB 210 cases in the Division of Juvenile Rehabilitative Services (DYRS) facilities, the research has been expanded to track the movement of cases back and forth between the adult and juvenile court systems as well as the adult and juvenile correctional facilities. In the past year and one-half, in numerous task force and committee meetings, all those involved have gained a new appreciation of the complexity of the juvenile sections of HB 210.

Juveniles affected by HB 210 are not automatically sent to Superior Court. Instead, prosecutors and judges have, early in the criminal justice process, exercised their discretion by having 60 percent of the HB 210 cases disposed in Family Court. Age, criminal history, and case intangibles play important roles in the final disposition and sentencing of these cases.

The analysis of juvenile HB 210 cases involved the use of not only the Statistical Analysis Center's Juvenile Research database but also the Criminal Justice Information System, Superior Court and Family Court case file information and the Department of Correction (DOC) database. In the end, only after review of all case files by Family Court staff, were we able to obtain and verify the full set of information included in this analysis.

The initial sections of this study were framed by the *case processing* issues that were discussed in the various committees over the last 18 months. In addition to the *case processing* summary found in Chart 1, six very detailed tables are provided which show juveniles' demographics, criminal histories and operational statistics such as time detained, time sentenced, court of disposition and types of programming used. These six tables address the following HB 210 processing themes:

Table 1 - Profile of the HB 210 cases admitted to DYRS Detention,

Table 2 - Profile of the HB 210 program placements,

Table 3 - Profile of HB 210 cases handled strictly by Family Court,

Table 4 - Profile of HB 210 cases found amenable to Family Court,

Table 5 - Profile of the age, Court and HB 210 case processing time, and

Table 6 - Profile of HB 210 cases by court and type of disposition.

The next three charts provide a summary of the pattern of bed use associated with both the Family and Superior Courts and by detention or sentenced status. Preliminary HB 210 analyses and the committees' deliberations indicated that the lengthier Superior Court case processing would result in the increased use of detention beds, while hopefully the quicker Family Court process would result in a decreased use of detention beds. On the sentencing side of the issue, the juvenile sections of HB 210 raise the expectation that HB 210 juvenile penalties will increase. For instance, HB 210 cases adjudicated in Family Court are expected to be sentenced to a one year minimum term if the Robbery 1st Degree charge included the display of a deadly weapon or resulted in serious physical injury. Furthermore, HB 210 juveniles convicted in Superior Court for Robbery 1st Degree are subject to the new HB 210 three year minimum sentence.

HB 210 cases where the arrests occurred between July 2003 and June 2004 are included in this study. It is very important to note that any reference to time served or bed use in this analysis only applies to the situation as of February 2005 and therefore does not always reflect the full and final time served or bed usage. The pre-trial detention time and most of the DYRS sentenced time are already very close to representing actual time served. However, this is less often the case for juveniles that remain in the adult system. While almost all of the juveniles in the adult system have been released from detention, many of the Superior Court *sentenced juveniles* have not yet been released and are still serving their time – especially those serving three minimum terms. Therefore, some of the bed need analysis is incomplete and must await the passage of time to be more fully understood.

SUMMARY OF FINDINGS

Juveniles subject to HB 210 were not, as one might expect by the simple structure and intent for the law, automatically sent to Superior Court and transferred to the DOC to serve their time upon conviction. The analysis of HB 210 cases between July 2003 and June 2004 shows that the criminal justice processes create significant variances from what one would expect. First of all, 60 percent of the 103 HB 210 cases were ultimately processed by Family Court because of the Superior Court reverse amenability process or a decision at the preliminary hearing to process the case in Family Court (Chart 1). Second, for those juveniles processed in Family Court whose cases resulted in a Level IV or Level V sentence, the average time served from sentencing to release was about 5.7 months, well below the expected one year minimum for the Robbery 1st Degree cases involving a display of a deadly weapon or a serious injury.

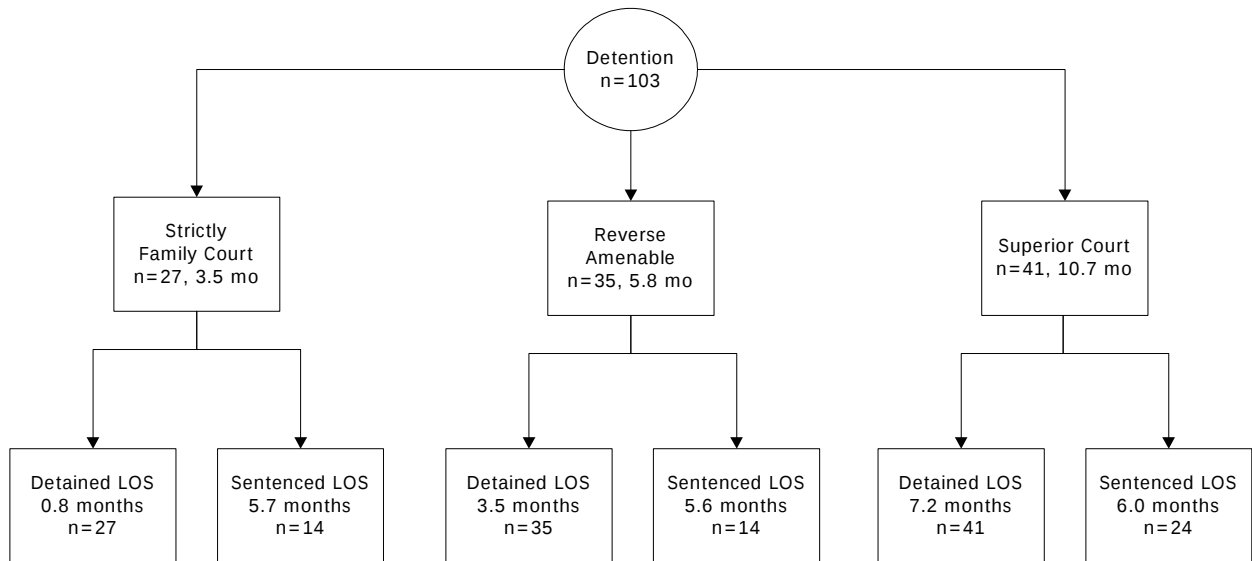
A key factor determining whether or not an HB 210 juvenile offender was processed in Superior Court is age (Table 5.) The youngest HB 210 juveniles were two 11 year olds. Both of these cases remained in Family Court. The youngest HB 210 juvenile to have a case heard in Superior Court was a 14 year old. There were twenty HB 210 cases involving 14 year olds and one of these cases was heard in Superior Court.

The Family Court processing time for HB 210 cases is about one-half that of the Superior Court (Table 6.) It takes about 6 months for a Superior Court HB 210 case to reach disposition and only about 3 months for a Family Court case. For the Family Court, this includes the time involved in a reverse amenability process that occurs in Superior Court. Interestingly, it makes little difference in terms of case processing between the courts if the HB 210 charge is dismissed or nol processed. In Superior Court nol processed HB 210 charges reached disposition for the remaining charge(s) in the case within 5.5 months, while if the HB 210 charge “*stuck*” the case was resolved in 5.9 months. In Family Court for similar cases the case processing time was 2.8 months versus 3.1 months, respectively.

When HB 210 juveniles were processed in the Superior Court the location where the detention and sentenced time was served was complex. Juveniles convicted in Superior Court who are less than 16 years old must serve their *adult* sentence in DYRS facilities until age 16. Sixteen and 17 year old juveniles pending disposition in Superior Court are often detained in DYRS detention centers before being transferred to the(DOC upon sentencing. In some situations, however, it appears as though some juveniles are detained in DOC prior to conviction. Detained or sentenced, juveniles placed in DOC are housed in the Youthful Correctional Offender Program (YCOP) where they are provided enhanced treatment and education programs (Table 6).

Chart 1, below provides a summary overview of the flow of HB 210 offenders by type of court, type of case, and detained and sentenced time (to date) for HB 210 juveniles.

**Chart 1, HB 210 Cases Admitted to
Detention Centers from July 2003 to June 2004**



Strictly Family Court Cases

Twenty-seven (26 percent) of the 103 HB 210 cases were not referred to Superior Court and were strictly Family Court cases. In the majority of these cases there was a plea or reduction of the charge at the preliminary hearing. The average length of stay (LOS) while these juveniles were detained was just over three weeks. Just over one-half of these offenders were adjudicated and were sentenced to serve their time and receive treatment at a DYRS juvenile Level IV or V facility. After adjudication, the average length of stay in these facilities was 5.7 months. The average episode length of stay (taking into account all detention time and sentenced time) for all 27 of these juveniles was 3.5 months (see Table 3.)

Reverse Amenable Cases

Thirty-five (34 percent) of the 103 HB 210 cases were transferred back to Family Court from Superior Court due to a reverse amenability process. The reverse amenability process, which is triggered by a reverse amenability motion, tends to be an informal and interactive process involving the prosecutor, public defender and the judge. Reverse amenability motions were filed in 54 percent, or 41 of 76 cases, that were referred to Superior Court, and 81 percent of these cases (35) were transferred back to Family Court. A review of case files showed that only two formal reverse amenability hearings were held. Reverse amenable juveniles were detained on average just over 3.5 months. About 40 percent of these juveniles were sentenced to serve time in DYRS Level IV or V facilities, for which their LOS was 5.6 months. The average episode LOS for all 35 of these juvenile was 5.8 months (see Table 4.)

Superior Court Cases

Seventy-six (74 percent) of HB 210 cases were referred to Superior Court. Forty-one (54 percent) of the 76 cases referred to Superior Court stayed there, while the other 35 were transferred back to Family Court (see section above.) The LOS while these juvenile were detained was 7.2 months. About 59 percent of these juvenile were sentenced to serve adult Level V sentences. Until age 16 these sentenced terms are served in a DYRS facility. After age 16 these terms are served in the DOC –YCOP. Many of these offenders are still serving their Level V terms. To date, these offenders have already served 6 months and some are probably serving the new HB210 adult three year minimum term. The episode LOS for these juvenile (to date) is 10.7 months (see Table 1).

HB 210 Detention Admissions

HB 210 does not appear to have had an impact on the number of detention admissions. While there has been a significant amount of variance from quarter to quarter for HB 210 detention admissions; the *average* before and after admission rate has been very stable. Prior to HB 210 there was an average of 27.6 HB 210 admissions per quarter. After the implementation of HB 210, there was an average of 26.8 HB 210 admissions per quarter.

HB 210 Populations

Overall, the HB 210 detention populations differed very little before and after the implementation of the law: an average of 40.3 before and 42 after. There was a shift, however, in the number of HB 210 detainees whose cases were in Superior Court. Before HB 210, the Superior Court detention population averaged 21 beds. After HB 210 it averaged 26 beds. The shift toward Superior Court HB 210 detentions has resulted in a decrease of Family Court HB 210 beds: There was an average 19.3 beds used before and an average of 16 after. While many of the Superior Court HB 210 juveniles are housed at DYRS facilities, there appears to be an increasing tendency to house more HB 210 Superior Court juveniles at DOC.

The sentenced HB 210 populations showed an increase for both Superior Court and Family Court juveniles. Prior to HB 210 there were 9 Superior Court juveniles serving sentenced time, some at DYRS and some at DOC. Also there were 10 Family Court juvenile serving DYRS Levels IV or V. After the implementation of HB 210, the Superior Court sentenced population increased to 19 and in the Family Court to 15. To date, HB 210 has resulted in a 15 bed impact: five for Family Court cases housed in DYRS and 10 Superior Court cases split between DYRS and DOC. The impact on the DOC beds is expected to continue to increase as the longer adult sentences (up to the three year minimums) are being served.

SIX DETAILED PERSPECTIVES ON THE JUVENILE SECTIONS OF HOUSE BILL 210

TABLE 1: PROFILE OF HB 210 JUVENILES ADMITTED TO DYRS DETENTION

Table 1 summarizes Chart 1 in a tabular form and provides important details regarding the 103 HB 210 cases in this study. For instance, 84 percent of the HB 210 eligible juveniles are from New Castle County. Furthermore, we begin to see the importance of age for HB 210 juveniles. On average, the HB 210 juveniles that remain in the Superior Court’s jurisdiction are almost two years older than those processed in Family Court.

Case processing time is also summarized in Table 1 for each type of HB 210 juvenile. The time detained for Superior Court HB 210 cases is triple that of Family Court HB 210 juveniles: 7.2 months versus 2.3 month. The full amount of time HB 210 juveniles are in a secure setting is best summarized by the *episode time* which takes into account both detention and sentenced time. Superior Court juveniles episode time averages of 10.7 months (to date) versus 4.8 months for Family Court juveniles.

Table 1 also provides criminal history comparisons for HB 210 juveniles by type of court and county. The far right hand columns summarize the average number of prior admission to correctional secure facilities as well as the prior number and types of arrests. As may be expected, the Superior Court juveniles have more extensive criminal history profiles, both in terms of the numbers of arrests and the number of times they have been admitted to secure correctional facilities, than Family Court juveniles.

Table 1 is the primary source of information for the 41 HB 210 cases that remained in Superior Court. All but eight of the HB 210 Superior Court cases were processed in New Castle County; but, interestingly, the length of detention is shorter in New Castle County. On average, before sentencing the average New Castle County juvenile is detained for 6.8 months. This is six weeks shorter than Kent County, and 10 weeks shorter than Sussex County. There are significant differences in HB 210 juvenile’s criminal history by county. In New Castle County an HB 210 juvenile has already been arrested on average 6 times and detained 3.6 times before his or her HB 210 case. In Kent County the HB 210 juveniles had been arrested 3.8 times and detained 1.6 times prior to their HB 210 case. In Sussex County, although there were only three cases, the HB 210 juveniles were virtually first time offenders – on average they only had one prior arrest and no prior detention admissions.

Research Note: It is important to realize that just because juveniles are detained as a HB 210 juvenile does not mean that they are adjudicated or sentenced to Level IV or V. Therefore, the number of juveniles in the sentenced categories, i.e., sentenced DYRS Levels IV and V and DOC will not add to the number of juveniles that were detained. This also means, although it may sometimes appear to be the case, that the average lengths of stay are not additive to the full episode length of stay.

Table 1, Profile of Juveniles Admitted to the Detention Centers from July 2003 to June 2004 Charged with Robbery 1st Degree or Possession of a Firearm During the Commission of a Felony

Court	County of Origin	No.	Age	Episode	Average					Prior Adms.		Prior Arrests	
					Length of Stay in Months					Det.	Incar.	Felony	Total
Superior	Kent	5	16.7	10.6	8.2	11.7	.	.	11.8	1.6	0.8	1.8	3.8
	New Castle	33	17.1	10.8	6.8	5.9	1.1	10.9	8.0	3.6	1.5	2.4	6.0
	Sussex	3	16.9	10.1	9.2	2.7	0.0	.	10.6	0.0	0.0	0.0	1
	Subtotal	41	17.0	10.7	7.2	6.0	1.1	10.9	8.5	3.2	1.3	2.2	5.5
Family	Kent	6	16.9	7.2	3.3	5.9	.	5.9	0.0	1.3	2.2	1.8	8.3
	New Castle	54	15.3	4.7	2.3	5.6	4.8	4.6	0.0	1.0	0.5	0.8	2.8
	Sussex	2	15.6	0.7	0.7	.	.	.	0.0	2.5	1.5	1.0	8.0
	Subtotal	62	15.4	4.8	2.3	5.7	4.8	4.8	0.0	1.1	0.7	0.9	3.5
Total		103	16.1	7.1	4.3	5.8	4.5	5.7	8.5	1.9	0.9	1.4	4.3
Minimum			11.7	0.0	0.0	0.0	0.6	0.3	1.4	0	0	0	0
Maximum			18.5	19.9	18.9	14.5	10.1	13.5	15.8	11	7	9	20

Notes:

Average, minimum, and maximum statistics for Age at Admission, Episode, Detained, Prior Admissions and Arrests were calculated for the 103 juveniles detained during the study period for HB 210 cases.

Sentenced average, minimum and maximum LOS statistics were calculated for the 51 juveniles that had been sentenced. Twenty four juvenile were sentenced in Superior Court and 27 in Family Court.

DYRS Level IV average, minimum and maximum LOS statistics were calculated for the 14 juveniles that spent time in a Level IV DYRS placement. One was sentenced in Superior Court and 13 in Family Court.

DYRS Level V average, minimum and maximum LOS statistics were calculated for the 28 juveniles that spent time in a Level V DYRS placement. Four were sentenced in Superior Court and 24 in Family Court.

DOC is the Department of Corrections where juvenile over 16 can be either detained or serve sentenced time if they are Superior Court jurisdiction. Department of Correction operates the Youthful Correctional Offender Program (YCOP) which provides specialized education and treatment programs for minors housed in the department. DOC average, minimum and maximum LOS statistics were calculated for the 28 juveniles that spent time in at DOC. One juvenile was from Sussex, three were from Kent and 24 from New Castle County.

TABLE 2: PROFILE OF HB 210 PROGRAM PLACEMENTS

Table 2 is a *close up* providing a detailed view of where HB 210 juveniles are placed. This helps address the issue of where and how the juveniles served their time and received counseling. Depending on their circumstances, HB 210 juveniles spend time in juvenile or adult facilities as either detainees or incarcerated offenders.

Clarinda (Iowa), *GMills* Glenn Mills (Pennsylvania), *Sprngfld* Springfield Academy (South Dakota), *VQBC* Vision Quest Boot Camp (Pennsylvania) are Level IV, staff secure, out-of-state programs where adjudicated Family Court juveniles were both incarcerated and received specialized treatment.

Table 2, Placements of Juveniles Admitted to the Detention Centers from July 2003 to June 2004 Charged with Robbery 1st Degree or Possession of a Firearm During the Commission of a Felony

Court	County of Origin	No.	Average									
			Age	Length of Stay in Months								
				Episode	NCCo.	S.House	Clarinda	Ferris	GMills	Sprngfld	VQBC	DOC
Superior	Kent	5	16.7	10.6	.	3.5	.	.	.	.	.	11.8
	New Castle	33	17.1	10.8	4.7	1.2	.	5.4	.	.	1.1	8.0
	Sussex	3	16.9	10.1	.	6.5	.	.	.	.	.	10.6
	Subtotal	41	17.0	10.7	4.7	3.7	.	5.4	.	.	1.1	8.5
Family	Kent	6	16.9	7.2	.	3.3	.	5.8	.	.	.	.
	New Castle	54	15.3	4.7	2.4	.	6.1	7.7	6.2	5.3	0.7	.
	Sussex	2	15.6	0.7	.	0.7	.	.	.	.	.	.
	Subtotal	62	15.4	4.8	2.4	2.7	6.1	7.1	6.2	5.3	0.7	.
Total		103	16.1	7.1	3.3	3.3	6.1	7.0	6.2	5.3	0.8	8.5
Minimum			11.7	0.1	0.1	0.1	6.0	1.6	3.0	3.9	0.1	1.4
Maximum			18.5	19.9	9.8	9.3	6.1	9.3	10.1	6.1	1.1	15.8

Notes:

Average, minimum, and maximum statistics for Age at Admission, Episode, Detained, Prior Admissions and Arrests were calculated for the 103 juveniles detained during the study period for HB 210 cases.

DOC is the Department of Corrections where juvenile over 16 can be either detained or serve sentenced time if they are Superior Court jurisdiction. Department of Correction operates the Youthful Correctional Offender Program (YCOP) which provides specialized education and treatment programs for minors housed in the department. DOC average, minimum and maximum LOS statistics were calculated for the 28 juveniles that spent time in at DOC. One juvenile was from Sussex, three were from Kent and 24 from New Castle County.

NCCo. is the DYRS New Castle County Detention Center on the DYRS Faulkland Road campus. Juveniles are both detained and serve sentenced time in this facility. Detention Center average, minimum

and maximum LOS statistics were calculated for the 88 juveniles that were detained there. At the end of the follow-up period, 33 cases remained in Superior Court, 55 cases were in Family Court.

S.House is the DYRS Stevenson House detention center is located in Milford and primarily serves Kent and Sussex Counties. Juveniles are both detained and serve sentenced time in this facility. Stevenson House LOS statistics were calculated for the 18 juveniles that were detained there. Ten cases remained in Superior Court, and eight cases were in Family Court.

Clarinda Academy, Iowa, LOS statistics were calculated for the two Family Court juveniles that were incarcerated there.

Ferris School LOS statistics were calculated for the 13 juveniles that were incarcerated there. One case remained in Superior Court, 12 were in Family Court.

Glen Mills Schools, Pennsylvania, LOS statistics were calculated for the five Family Court juveniles that were incarcerated there.

Springfield Academy, South Dakota, statistics were calculated for the three Family Court juveniles that were incarcerated there.

VisionQuest Boot Camp, Pennsylvania, LOS statistics were calculated for the four Family Court juveniles that were incarcerated there. One case remained in Superior Court and three were in Family Court.

TABLE 3: PROFILE OF HB 210 CASES HANDLED STRICTLY BY FAMILY COURT

Table 3 provides a summary for the HB 210 juveniles that are handled entirely in the Family Court system. The decision to keep these cases in the juvenile criminal justice system occurs at the Family Court's preliminary hearing, which is held shortly after arrest. The Attorney General's and Public Defender's Offices participate in the Family Court preliminary hearing. The juveniles that remain in the Family Court tend to be younger and have shorter criminal history than the Superior Court HB 210 juveniles. The strictly Family Court juveniles tend to have very short stays in detention. Just about half of these juvenile are adjudicated delinquent (Chart 1,) and serve about five months in either a DYRS Level IV or Level V program.

Table 3, Strictly Family Court HB 210 Cases Admitted to the Detention Centers from July 2003 to June 2004

Court	County of Origin	No.	Average Length of Stay in Months					
			Age	Det.	Sent.	DYRSL		Episode
						4	5	
Superior	Kent	0	.	.	.	.	.	.
	New Castle	0	.	.	.	.	.	.
	Sussex	0	.	.	.	.	.	.
	Subtotal	0	.	.	.	.	.	.
Family	Kent	3	16.8	0.8	7.3	.	7.3	8.2
	New Castle	22	15.4	0.8	5.2	5.2	3.4	3.1
	Sussex	2	15.6	0.7	.	.	.	0.7
	Subtotal	27	15.6	0.8	5.7	5.2	4.5	3.5
	Total	27	15.6	0.8	5.7	5.2	4.5	3.5
	Minimum		11.7	0.0	0.0	3.0	1.0	0.0
	Maximum		17.9	2.6	8.2	6.1	8.1	9.5

Notes:

Average, minimum, and maximum statistics for Age at Admission, Detained and Episode LOS were calculated for the 27 juveniles detained during the study period.

Sentenced average, minimum and maximum LOS statistics were calculated for the 14 juveniles that had been sentenced in Family Court.

DYRS Level IV average, minimum and maximum LOS statistics were calculated for the six juveniles that spent time in a Level IV DYRS placement pursuant to a Family Court sentence.

DYRS Level V average, minimum and maximum LOS statistics were calculated for the ten juveniles that spent time in a Level V DYRS placement pursuant to a Family Court sentence.

TABLE 4: PROFILE OF HB 210 REVERSE AMENABILITY CASES

76 HB 210 cases, per the new law, were referred to Superior Court.

In 41 of these cases, reverse amenability motions were considered to ascertain whether the juvenile's needs and justice would be better served by the juvenile justice system.

As Table 4 shows, 35 of the 41 juveniles whose reverse amenability motions were considered were sent back to the Family Court for disposition. It takes about 3.7 months from a juvenile's initial detention until the reverse amenability decision is reached. Reverse amenability cases that end up remaining in Superior Court take about a month longer to resolve on the issue of amenability.

Remaining in Superior Court makes a significant difference for time served in correctional facilities. The six juveniles who remain in Superior Court spent an average of 7.3 months in detention with a good portion of that served at DOC-YCOP both as detainees and in sentenced status where the average stay was 9.5 months. For those whose reverse amenability decision sends them back to Family Court the periods in correctional facilities is much shorter; 3.5 months in detention and 5.6 months in DYRS Level IV or V.

Table 4, Superior Court Reverse Amenability Decisions for HB 210 Cases Admitted to the Detention Centers from July 2003 to June 2004

Court	County of Origin	No.	Age	Time to RevAm.	Average Length of Stay in Months					
					Det.	Sent.	DYRSL4	DYRSL5	DOC	Episode
Superior	Kent	1	17.6	4.1	8.1	11.7	.	.	14.6	19.9
	New Castle	4	16.9	4.8	7.4	9.5	.	7.1	7.7	14.4
	Sussex	1	16.7	4.7	6.0	2.7	.	0.0	0.0	8.7
	Subtotal	6	16.9	4.7	7.3	8.6	.	7.1	9.5	14.4
Family	Kent	3	17.0	4.5	5.7	1.6	.	1.6	.	6.2
	New Castle	32	15.1	3.6	3.3	5.9	4.4	5.3	.	5.8
	Sussex	.	.	.	.	.	.	.	.	.
	Subtotal	35	15.3	3.7	3.5	5.6	4.4	5.0	0.0	5.8
Total		41	15.5	3.8	4.1	6.4	4.4	5.1	9.5	7.1
Minimum			11.8	0.8	0.0	0.5	0.6	0.3	1.6	0.1
Maximum			17.9	7.8	13.4	12.1	10.1	9.3	14.6	19.9

Notes:

Superior Court cases are cases where an HB 210 case went to Superior Court after a preliminary hearing in Family Court and the case remained there because reverse amenability was denied.

Family Court cases are the 35 reverse amenable cases that were transferred back to Family Court.

Average, minimum, and maximum statistics for Age at Admission, Time to Reverse Amenability Decision (Time to RevAm.), Detained and Episode LOS were calculated for the 41 juveniles detained during the study period.

Sentenced average, minimum and maximum LOS statistics were calculated for the 19 juveniles that had been sentenced. Five juvenile were sentenced in Superior Court and 14 in Family Court.

DYRS Level IV average, minimum and maximum LOS statistics were calculated for the 7 juveniles that spent time in a Level IV DYRS placement pursuant to a Family Court sentence.

DYRS Level V average, minimum and maximum LOS statistics were calculated for the 15 juveniles that spent time in a Level V DYRS placement. One was sentenced in Superior Court and 14 in Family Court.

DOC LOS statistics were calculated for the four offenders who were transferred there by Superior Court.

TABLE 5: PROFILE OF THE AGE, COURT AND CASE PROCESSING TIME

Table 5 provides a crosstabulation displaying the importance of age and criminal history in regards to the final court of disposition for HB 210 juveniles. In a few of the HB 210 cases a carjacking is listed as the most serious offense in the list of charges in the case, but by in large most HB 210 case have Robbery 1st Degree or a Possession of a Firearm During the Commission of a Felony (PFDCF) as the lead charge.

Perhaps the most telling result in Table 5 is that under age 15, only one HB 210 juvenile was prosecuted in Superior Court. Otherwise all 14, 13 and younger juveniles' cases were disposed of in Family Court. This is the situation even though almost 28 percent of the cases involved 14 year olds or younger juveniles.

When an HB 210 juvenile reaches 15 or 16, the scale starts to tip toward Superior Court dispositions, where about one-third of the cases are disposed. For 17 and 18 year olds, the probability of a Superior Court disposition increases to about 76 percent. Not unexpectedly, as the juveniles age, their arrest history and prior number of secure correctional facility admissions also increase. Age and criminal history seem to be two very important characteristics that are associated with the criminal justice systems' decision to process the HB 210 offense in Superior Court.

As with the other tables, *episode LOS*, which is the total time in a secure setting be it detention or sentenced status, is a statistic that is still evolving, especially for offenders whose cases are disposed of and sentenced in Superior Court to Level V. Some of these juvenile are serving much longer adult sentences.

Notes for Table 5:

Lead charge is the lead charge for HB 210 cases. Some HB 210 cases include charges that are more severe, like carjacking or rape in the first degree.

Average, minimum, and maximum statistics for Age at Admission, Prior Admissions and Arrests, and Episode were calculated for the 103 juveniles detained during the study period for HB 210 cases. Time to Filing statistics calculated for the 33 juveniles for whom there is a record that motions for reverse amenability were filed in Superior Court. Time to Outcome statistics calculated for the 41 juveniles for whom reverse amenability was resolved by Superior Court: six remained in Superior Court, 35 were reversed.

Table 5, Lead Charge of HB 210 Cases by Age, Court of Disposition, and Length of Stay for Juveniles Admitted to the Detention Centers from July 2003 to June 2004

Age	Lead Charge at Admission	No.	Average									
			Court		Time to			Episode	Prior		Prior Arrests	
			Sup.	Fam.	Age	Filing	Disp.	LOS	Admissions	Incar.	Felony	Total
11	Robbery 1 st Degree	1	0	1	11.8	2.6	3.5	11.2	0.0	0.0	3.0	3.0
	Robbery 1 st Degree, Att.	1	0	1	11.7	.	.	0.0	0.0	0.0	1.0	2.0
13	PFDCF	1	0	1	13.5	.	.	0.0	0.0	0.0	0.0	0.0
	Robbery 1st Degree	3	0	3	13.7	.	.	0.7	0.0	0.0	1.7	3.3
	Robbery 1st Degree, Att.	3	0	3	13.6	9.0	3.5	4.4	0.0	0.0	0.0	0.7
14	Carjacking 1 st Degree FB	1	0	1	14.6	.	.	4.9	0.0	0.0	0.0	0.0
	PFDCF	1	0	1	14.6	.	.	9.5	3.0	2.0	3.0	7.0
	Robbery 1st Degree	11	1	10	14.5	2.0	3.6	5.3	1.6	0.7	0.7	4.6
	Robbery 1st Degree, Att.	7	0	7	14.6	2.8	3.9	4.8	1.1	0.9	0.4	1.4
15	Murder 1 st Degree, Att.	1	1	0	15.4	.	.	14.6	3.0	1.0	4.0	10.0
	Robbery 1st Degree	8	3	5	15.5	2.4	4.1	11.1	1.3	0.9	1.0	2.5
	Robbery 1st Degree, Att.	6	1	5	15.6	2.9	3.2	7.3	1.7	0.5	0.3	2.2
16	PFDCF	4	2	2	16.7	2.5	4.8	6.6	2.3	1.8	1.8	5.3
	Rape in the first degree	1	1	0	16.5	.	.	16.0	0.0	0.0	0.0	2.0
	Robbery 1st Degree	14	5	9	16.6	2.7	4.5	4.6	2.1	0.9	1.6	5.7
	Robbery 1st Degree, Att.	6	1	5	16.6	2.5	3.2	6.6	0.7	0.0	0.3	1.0
17	Carjacking 1 st Degree, FB	1	1	0	17.3	.	3.9	18.8	4.0	2.0	8.0	14.0
	Murder in the first degree, Att.	1	1	0	17.4	.	.	14.6	5.0	7.0	2.0	10.0
	PFDCF	8	8	0	17.6	.	4.1	7.7	1.6	1.0	1.0	2.1
	Robbery 1st Degree	17	10	7	17.6	2.1	4.0	8.3	2.2	0.8	2.1	5.5
18	Robbery 1st Degree, Att.	6	5	1	17.5	2.9	4.1	10.9	5.5	2.3	4.2	9.7
	Robbery 1st Degree	1	1	0	18.5	.	.	8.1	5.0	4.0	1.0	9.0
Total		103	41	62	16.1	2.9	3.8	7.1	1.9	0.9	1.4	4.3

TABLE 6: PROFILE OF THE AGE, TYPE OF DISPOSITION, COURT AND CASE PROCESSING TIME

Table 6 provides a detailed summary for the types of dispositions in the 103 HB 210 cases. Each type of disposition is linked to details regarding the court of disposition, age of the juveniles, time in detention and sentenced status, as well as criminal history.

All of the previous tables presented the *sentenced* Level IV and V results for the HB 210 charges whether or not the HB 210 charge was reduced to a lesser-included-crime or nol prossed in lieu of a lesser charge in the case. Chart 6 shows sentenced time for *not guilty for the HB 210 charge* offenders. What happens in these cases is that while the HB 210 charges are dropped (dismissed or nol prossed), the juvenile is convicted or adjudicated and sentenced for other non-HB 210 charge(s) within the case.

For instance, under *Superior Court – Dismissed* there are four juveniles. Some of these juveniles were convicted in Superior Court of a secondary charge within the HB 210 case, but not for the HB 210 charge. For this or less serious charges, these juveniles have served on average 1.9 sentenced months at DOC Level V. The total DOC time for these juveniles is 4.8 months. What wasn't served as sentenced time was spent in pre-trial detention at DOC, about 3.1 months. In addition some or all of these juveniles spent some time in pre-trial detention at DYRS.

Under *Family Court –Dismissed* there are four juveniles. On average, these juveniles spent two months in detention awaiting disposition of their case. Some of these juveniles may have been convicted of a secondary charge within the HB 210 case, but not the HB 210 charge. These juveniles did not receive a sentence that required any Level IV or V time in DYRS facilities. They may, however, have been adjudicated of a lesser charge within the case and sentenced to DYRS probation. On the other hand there is also the possibility that one or more of these juveniles' cases were dismissed on all charges.

While age makes a significant difference in which court the HB 210 case is heard, it makes little difference in whether the juveniles are found guilty of the HB 210 charge. The average age of juveniles having their case heard in Superior Court is 17 while the average age is 15 and one-half for Family Court cases. Yet, within each court there is very little difference in the age at which the juveniles were found guilty of an HB 210 charge.

Criminal history, also, makes a difference in which court an HB 210 case is heard. For instance, Superior Court HB 210 juveniles have on average 3.1 prior detention admissions and Family Court juveniles only have one. In addition, not surprisingly, Superior Court juveniles have an average of 5.3 prior arrests and the Family Court juveniles have 3.6.

In Family Court, criminal history does not appear to associated with an adjudication on the HB 210 charge as the prior number of detentions and number of arrests are almost equal for guilty and not guilty juveniles (about one prior detention and 3.6 prior arrests for each group.) On the other hand, criminal history seems to be associated to a small degree with the type of disposition in Superior Court. HB 210 cases with a guilty disposition have been detained, on average, one more time than the not guilty (3.1 versus 2.1) and arrested two more times (6.1 versus 4.1.)

Table 6, Disposition of Robbery 1st Degree and Possession of a Firearm During the Commission of a Felony Cases by Court, Admissions to the Detention Centers from July 2003 to June 2004

					Average											
					Length of Stay in Months						Prior Adms.		Prior Arrests			
					Time to			YRS	YRS							
Court	Dispos.	Type Disposition	No.	Age	Dispo.	Det.	Sent.	L4	L5	DOC	Epis.	Det.	Incar	Fel.	Total	
Superior	Not Guilty	Pending	1	15.8	.	13.6	.	.	.	8.4	13.6	1.0	1.0	0.0	0.0	
		Dismissed	4	17.6	6.6	7.1	1.9	.	.	4.8	7.6	5.0	2.5	3.8	9.5	
		Nolle prosequi	10	17.1	4.3	5.4	1.4	.	.	11.4	5.7	1.1	0.3	1.0	2.8	
		Nolle prosequi later	1	17.1	9.2	9.1	.	.	.		9.1	2.0	4.0	0.0	0.0	
	Subtotal		16	17.2	5.5	6.6	1.6	.	.	7.6	6.9	2.1	1.1	1.6	4.1	
	Guilty	Nollo contendere, LI	1	17.0	3.2	3.2						3.2	3.0	1.0	3.0	8.0
		Plead delinquent	1	15.4	4.6	1.3	4.6	1.1	.	.		5.9	1.0	0.0	1.0	1.0
		Plead guilty	13	16.8	6.8	8.8	7.7	.	10.9	8.9	14.7	3.6	1.8	2.5	5.8	
		Plead guilty, LI	9	17.3	5.4	7.0	5.4	.	.	8.1	12.4	4.1	1.0	2.7	6.4	
		Plead guilty at trial, LI	1	17.7	7.4	7.4	9.9	.	.	12.8	17.3	4.0	1.0	4.0	9.0	
	Subtotal		25	17.0	6.1	7.5	6.7	1.1	10.9	8.7	13.1	3.7	1.4	2.6	6.1	
	Subtotal		41	17.0	5.9	7.2	6.0	1.1	10.9	8.5	10.7	3.1	1.3	2.2	5.3	
Family	Not Guilty	Dismissed	4	14.3	3.6	2.0	.	.	.	.	2.0	0.3	0.0	1.0	2.8	
		Dismissed w/o prej.	1	17.8	2.6	0.4	.	.	.	.	0.4	3.0	1.0	1.0	8.0	
		Nolle prosequi	17	15.8	.	2.3	4.9	.	6.0	.	3.8	1.1	1.0	1.3	3.5	
		Subtotal		22	15.6	2.8	2.2	4.9	.	6.0	.	3.3	1.0	0.8	1.2	3.6
	Guilty	Found delinquent	1	14.5	7.7	7.7	9.1	.	9.1	.	16.8	1.0	0.0	3.0	8.0	
		Plead delinquent	23	15.5	3.3	2.7	6.2	4.7	5.2	.	6.2	1.3	0.9	0.9	3.9	
		Plead guilty, LI	16	15.2	2.1	1.8	4.8	4.8	2.9	.	4.2	0.9	0.3	0.4	2.8	
	Subtotal		40	15.3	3.1	2.4	5.8	4.8	4.6	.	5.6	1.1	0.6	0.8	3.6	
Subtotal		62	15.4	3.1	2.3	5.7	4.8	4.8	.	4.8	1.1	0.7	0.9	3.6		
		Total	103	16.1	4.5	4.3	5.8	4.5	5.7	8.5	7.1	1.9	0.9	1.4	4.3	
		Minimum		11.7	0.0	0.0	0.1	0.6	0.3	1.4	0.0	0.0	0.0	0.0	0.0	
		Maximum		18.5	18.7	18.9	14.5	10.1	13.5	15.8	19.9	11.0	7.0	9.0	20.0	

Notes Table 6:

Lead charge is the lead charge for HB 210 cases.

Average, minimum, and maximum statistics for Age at Admission, Prior Admissions and Arrests, and Episode were calculated for the 103 juveniles detained during the study period for HB 210 cases. Time to Filing statistics calculated for the 33 juveniles for whom there is a record that motions for reverse amenability were filed in Superior Court. Time to Outcome statistics calculated for the 41 juveniles for whom reverse amenability was resolved by Superior Court: six remained in Superior Court, 35 were reversed.

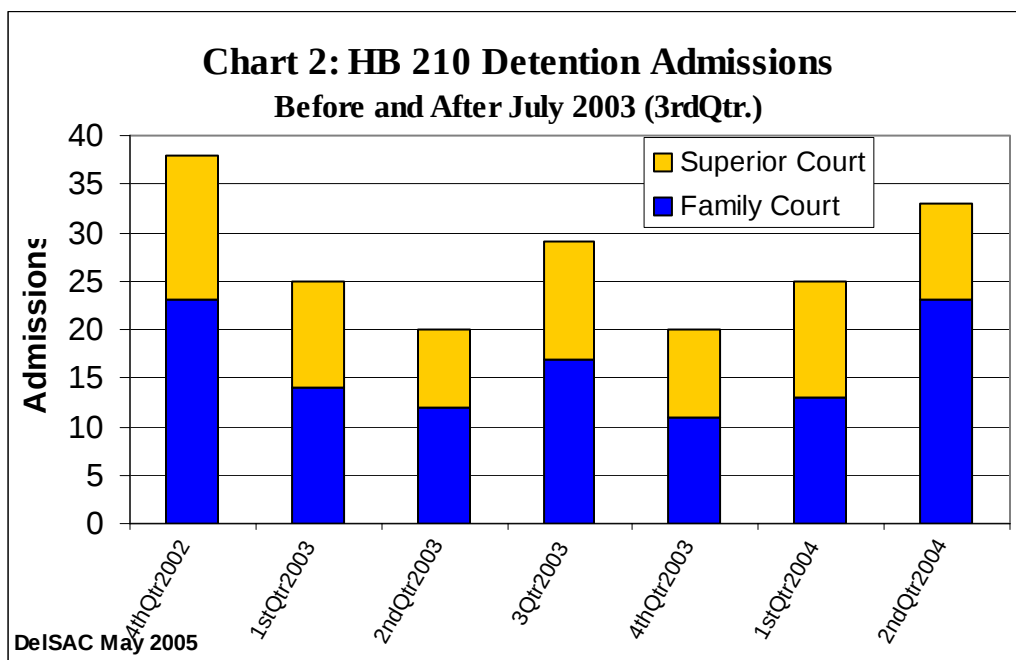
HB 210 CORRECTIONAL ADMISSIONS AND POPULATIONS

One of the goals of HB 210 was to increase the penalties for juveniles involved in Robbery 1st Degree and Possession of a Firearm During the Commission of a Felony. As seen above, HB 210 cases sentenced in Superior Court appear to be getting substantial Level V penalties. The sections that follow examine the relationship between HB 210 detention admission patterns and the resulting institutional population changes caused by the implementation of HB 210.

HB 210 Detention Admissions

Chart 2 shows the before and after quarterly pattern of HB 210 as they were admitted to detention. The starting date for HB 210 was July 2003. As the chart shows, the number of HB 210 cases was not less than 20 and not more than 37 in any single quarter. While these numbers may appear small, because they are violent crimes, these cases require substantial criminal justice resources for processing.

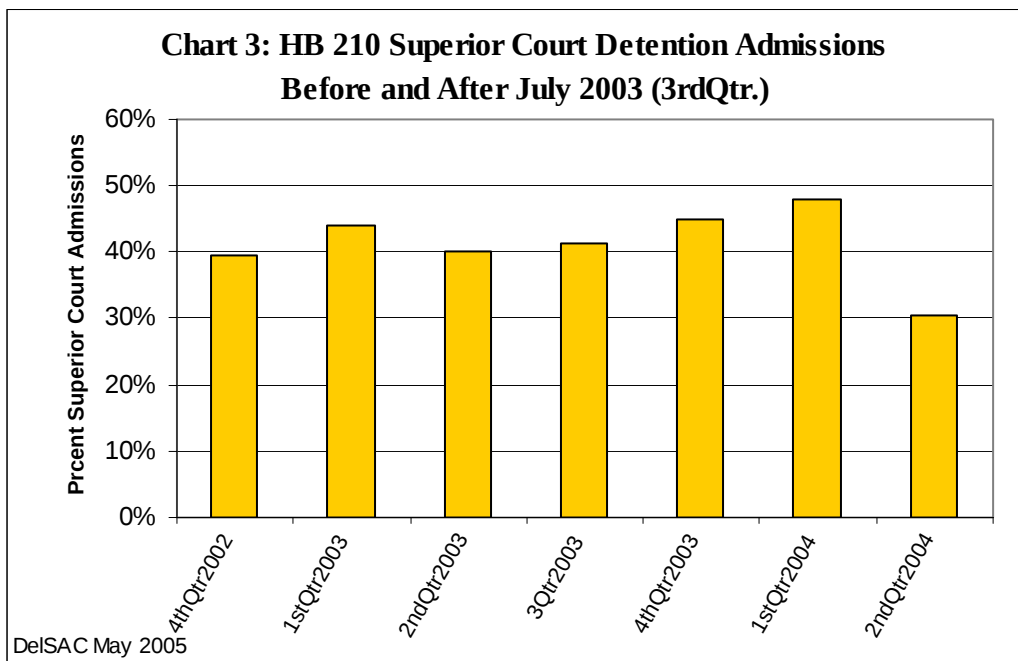
Overall, HB 210 detention admissions tend to be very stable, on average, before and after the implementation of HB 210. Prior to the implementation of HB 210, there were, on average, 16.3 Family Court detention admissions per quarter, and after HB 210 the average was 16 per quarter. The average number of HB 210 Superior Court quarterly detention admissions prior to HB 210 was 11.3 and after 10.8.



HAVE SUPERIOR COURT DETENTION ADMISSION INCREASED?

One of the key questions asked is whether or not the Superior Court “original jurisdiction” for HB 210 cases will cause a proportional increase in Superior Court detention admissions. We know from the earlier sections of this study that 26 percent of the cases initially remain in Family Court jurisdiction because of rulings at preliminary hearing. We also know that 34 percent of the cases are later referred back to Family Court following a reverse amenability process. So while we may expect a proportionate increase in HB 210 Superior Court detention admissions, some of the resultant case processing practice may offset that expectation.

Chart 3 shows the quarterly percent of cases that remain in Superior Court for disposition. In the three quarters preceding the implementation of HB 210, 41 percent of the cases were handled in Superior Court. Interestingly, after the implementation of HB 210, 41 percent of the cases remained in Superior Court. During the first three quarters of HB 210, it appeared that there was a trend toward more Superior Court HB 210 cases being detained. This trend was offset by a sharp decrease of Superior Court HB 210 cases in the second quarter of 2004 when the percent of Superior Court cases decreased to only 30 percent. To date, averaging all variances over time, it does not appear that HB 210 has resulted in a shift of cases to Superior Court.

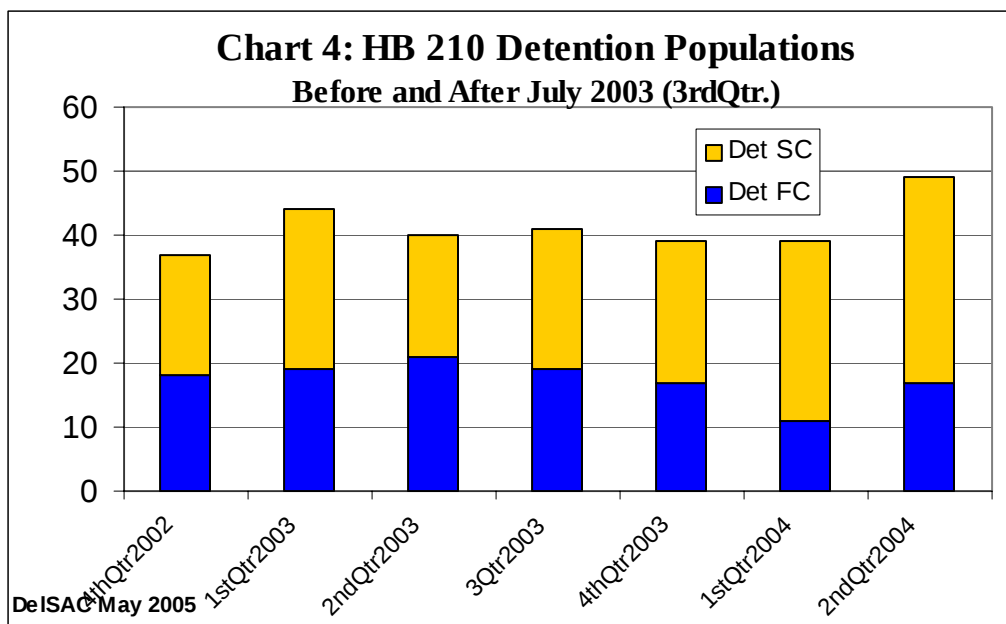


HB 210 Detention Populations

As Chart 4 shows there is little difference in the number of detention beds used before and after the implementation of HB 210 in July 2003. While many of the HB 210 Superior Court detainees are house in DYRS facilities, the detailed analyses above showed a growing tendency to transfer some of the Superior Court juveniles to DOC for detention.

Prior to HB 210, Family Court HB 210 detention population averaged just over 19 juveniles. After the implementation of HB 210, this population decreased slightly to 16 juveniles. Since the before and after HB 210 detention admissions remained constant for Family Court juveniles, the decrease in the HB 210 post period detention population for Family Court can only be attributed to speedier case processing in Family court for this type of case.

On the other hand the Superior Court detention population increased from 21 before the implementation of HB 210 to 26 after. The detention admissions for Superior Court HB 210 juveniles were almost even before and after the passage of the law. Therefore, the increase in the Superior Court detention population can be attributed to a little slower pace of case processing in Superior Court.

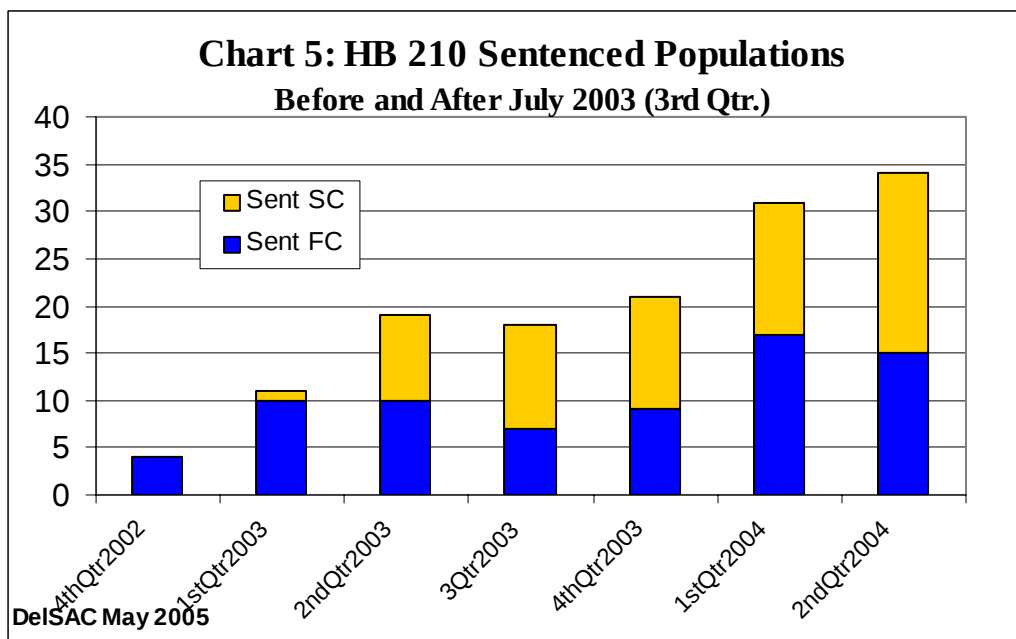


HB 210 Sentenced Populations

Chart 5 shows the before and after HB 210 sentenced populations. HB 210 was implemented in July 2003. For unknown reasons, the sentenced population for HB 210 cases was very small before the second quarter of 2003. This small population may have been due to a periodic downswing in cases in late 2001 and early 2002 or plea downs to Robbery 2nd Degree.

However, by the second quarter of 2003, the last quarter before the implementation of HB 210, there were 10 Family Court HB 210 juveniles in DYRS facilities or contacted programs. By the second quarter of 2004, this population had increased to 15 indicating a DYRS five bed impact to date.

In the second quarter of 2003, the last quarter before the implementation of HB 210, there were nine Superior Court HB 210 juveniles in sentenced status. When these juveniles are less than 16 years old, they are housed in a DYRS facility. When they are older than that they are housed in DOC. By the second quarter of 2004, the HB 210 Superior Court population increased to 19 offenders. This is a 10 bed impact, which primarily affects DOC. The DOC bed impact is still in the process of increasing. Some the Superior Court HB 210 cases received or may receive the HB 210 adult three year minimum sentences, and as this sentencing pattern unfolds, the DOC HB 210 juvenile population will continue to increase.



Epilogue Notes

Superior Court cases are cases where an HB 210 case went to Superior Court after a preliminary hearing in Family Court and the case remained there because reverse amenability was denied or moot, the juvenile plead guilty, went to trial.

Family Court cases are cases that remained there or were sent to Superior Court and were found reverse amenable and were transferred back to Family Court.

The study period for this analysis is July 2003 to June 2004. The follow-up period is July 1, 2003 through February 28, 2005. Later analyses would show greater lengths of stay as some juvenile were still in custody at the end of the follow-up period and different proportions of cases by court if new amenability decisions were to be made.

Average length of stay in an episode (LOS) refers to the LOS in months in a secure placement episode. Secure placement episodes comprise a continuous period of time when an offender is not in the community and may include multiple releases from secure residential placements. In many situations, the detention and sentenced times do not sum to the episode time because the number of persons in each category shifts depending on the juveniles' case processing circumstances.

Data Sources:

SAC's juvenile facility movement database, FACTS' court scheduling table, DELJIS, CJIS docket files, NCCo Prothonotary's Office Juvenile Defendant Report, Stevenson House PERT report, Stevenson House Court List, NCCDC Assessment Unit's HB 210 report, Family Court's Shaffer Juvenile Amenability data.